

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
Plaintiff,  
v.  
U.S. DEPARTMENT OF JUSTICE,  
Defendant

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 75-1996

RECEIVED  
FEB 5 1981

JAMES F. DAVEY, Clerk

REPLY TO DEFENDANT'S MEMORANDUM IN RESPONSE TO  
MOTION TO ORDER DISCLOSURE OF RECORDS OF THE  
CIVIL RIGHTS DIVISION OF THE JUSTICE DEPARTMENT

In order to assure plaintiff that undisclosed Civil Rights Division records responsive to his request "do not exist," defendant has filed affidavits of two CRD officials, Janet L. Blizzard and Salliann M. Dougherty. Neither affidavit addresses whether or not there are any CRD records responsive to plaintiff's April 15, 1975 request. In this they share the same defect as the earlier affidavit of Stephen Horn. The Dougherty affidavit does manage to reveal some important information long kept secret from plaintiff, the fact that in 1977 and 1978 CRD made a major effort to index all of its materials pertinent to the assassination of Dr. King. It seems likely that much more effort was spent in doing this than it would have taken to have complied with plaintiff's FOIA requests.

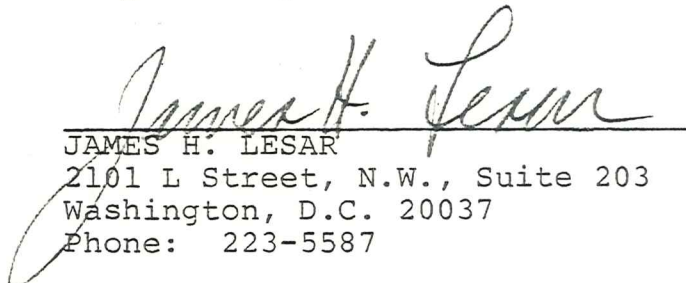
The Blizzard Affidavit is notable for its categorical statement that: "There is no Department of Justice file which is numbered 41-157-147." (Blizzard Affidavit, ¶7(a)) Unlike the declarations in many government affidavits filed in this and other cases, this statement at least has the ring of unequivocal truth. Unfortunately, its truthfulness does not appear to measure up to its unequivocality. Exhibits 1 and 2 to the attached affidavit of

plaintiff's counsel, James H. Lesar, are Civil Rights Division records which bear the number 41-157-147.

The Lesar Affidavit and its attachments also demonstrate the inaccuracy of the Dougherty, Blizard and Horn affidavits by providing concrete examples of materials pertinent to Mr. Weisberg's requests that have not been provided. For example, the House Select Committee on Assassinations has cited a record in DJ File 144-72-662 that is directly within the scope of item 13 of plaintiff's December 23, 1975 request, but that has not been provided. (See Lesar Affidavit, ¶¶4-5, Exhibit 3) Another example is the failure of the CRD to release materials compiled during the re-investigation of the King assassination that it conducted between November 24, 1975 and April 26, 1976, matters that are responsive to item 17 of the December 23rd request. (See Lesar Affidavit, ¶6, Exhibit 6)

In view of these examples, no more need be said. The Court should promptly grant plaintiff's motion.

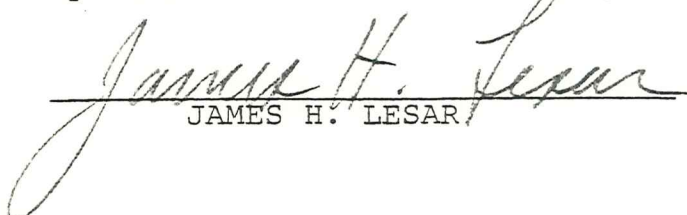
Respectfully submitted,

  
 JAMES H. LESAR  
 2101 L Street, N.W., Suite 203  
 Washington, D.C. 20037  
 Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of February, 1981, mailed a copy of the foregoing Reply to Defendant's Memorandum in Response to Motion to Order Disclosure of Records of the Civil Rights Division of the Justice Department to Mr. William G. Cole, Room 3137, Civil Division, U.S. Department of Justice, Washington, D.C. 20037.

  
 JAMES H. LESAR